

PATENT
Attorney Docket No. GB920000068US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Michele CRUDELE et al.

Serial No: 09/766,811

Filed: January 22, 2001

For: PREFERABLE MODES OF
SOFTWARE PACKAGE DEPLOYMENT

Examiner: Tuan A. VU

Art Unit: 2124

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APPEAL BRIEF

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Appellant submits this brief pursuant to 37 C.F.R. §1.192 in furtherance of the Notice of Appeal timely filed in this case on January 24, 2005, setting a two-month shortened statutory period of brief filing expiring March 24, 2005.

Please charge Deposit Account 50-0510 the \$500 fee for filing this Appeal Brief. No other fee is believed due with this Appeal Brief, however, should another fee be required please charge Deposit Account 50-0510.

Real Party In Interest

The real party in interest is International Business Machines Corporation.

Related Appeals And Interferences

None.

Application Serial No. 09/766,811

Claims 7-12

If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is non-obvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Claims 7-12 are dependent on and further limit claim 6. Since claim 6 is believed allowable for the reasons discussed above, claims 7-12 are also believed allowable for at least the same reasons as claim 6. Therefore, the Appellant respectfully requests that the rejections of claims 7-12 be reversed by the honorable Board.

Conclusion

In view of the foregoing, Appellant submits that the rejections of claims 1-12 are improper and respectfully requests that the rejections of claims 1-12 be reversed by the honorable Board.

Respectfully submitted,



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Dated: March 24, 2005